

**REMARKS**

Claims 1-30 are pending. By this Amendment, claims 1 and 8 are amended and claim 10-30 are added. No new matter has been added to the application.

Based on the above Amendments and the following Remarks, Applicant respectfully requests that the Examiner reconsider the outstanding rejections and that they be withdrawn.

On April 23, 2003 Applicants submitted check number 109736 in the amount of \$216.00 to cover the extra claim fee. Thus, Applicants respectfully assert that no additional claim fees are required at this moment. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 23-1951. Please credit any overpayment to deposit Account No. 23-1951.

**Claim Rejection**

Claims 1-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of co-pending U.S. Application No. 10/046,436; claims 1-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 11, 12 and 17 of co-pending U.S. Application No. 09/802,828; and claims 3-7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of co-pending U.S. Application No. 09/802,828. Claim 1 has been amended to explicitly recite a tooling body. Applicants submit that all of pending claims 1-8 are patentably

distinct from the pending claims in the above-identified applications. It is respectfully requested that the provisional rejection be withdrawn.

Claims 1-9 are rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specific language in claim 1 has been identified as forming the basis of for the rejection. Claim 1 has been amended responsive to the rejection. It is respectfully requested that the rejection be withdrawn.

**Rejections Under 35 U.S.C. §103**

Claims 1-9 are rejected under 35 U.S.C. §103(a) over U. S. Patent 3,309,437 issued to Harnett (hereinafter “Harnett”) in view G.B. Patent No. 1,489,690 issued to Madley *et al.* (hereinafter “Madley”) and the Encyclopedia of Chemical Technology, 4<sup>th</sup> ed., Vol. 6, 1993, Kirk-Othmer (hereinafter “Kirk-Othmer”). The rejections are respectfully traversed.

Page of the Office Action states that col. 2, lines 4-11 of Harnett teaches tooling for the fabrication of composite materials. Applicants respectfully disagree.

Harnett discloses that the container into which the raw petroleum coke particles having suitable qualities are placed in prior to being heated should be made from a material which is adapted to be subjected to baking conditions, such as temperatures up to 1000°C. Thus, Harnett simply discloses a container used in the process of making baked or graphitized bodies out of raw petroleum coke (col. 1, lines 10 and 11 and col. 2, lines 4-18). Nowhere does Harnett disclose a tooling for the fabrication of composite materials comprising a tool body comprising carbonaceous foam, the carbonaceous foam having a density of between about 0.10 and about

0.80 g/cm<sup>3</sup>, a coefficient of thermal expansion of between about 0.5 and about 6.5 ppm/°C and a thermal conductivity below about 1 W/mK, wherein the tool body may be used for fabricating members from composite materials, as recited in claim 1.

Further, Applicants submit that neither Madley, which is directed to making a briquetting coal by heating low-rank, high volatile coal particles in a fluidized bed reactor in the presence of oxygen followed by heating to 600 to 900°C, nor Kirk-Othmer, which is directed to coal caking properties that make a good quality coke, disclose a tooling for the fabrication of composite materials, as recited in claim 1. Thus, Madley and Kirk-Othmer fail to overcome the deficiencies of Harnett, as discussed above with regard to claim 1. For at least these reasons, the combination of Harnett, Madley and Kirk-Othmer, fails to disclose all the features of claim 1, as well as all the features of claims 2-8, which depend from claim 1. Thus, The combination of Harnett, Madley and Kirk-Othmer fails to render obvious the subject matter of claims 1-9. It is respectfully requested that the rejections be withdrawn.

**Added claims 10-30**

Applicants submit that new claims 10-11, which depend from claim 1, and claims 12-30 which explicitly recite a tool body are also patentable over the combination of Harnett, Madley and Kirk-Othmer for at least the reasons discussed above with regard to claim 1, as well as for the additional features recited therein.

**CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn.

Darren K. ROGERS  
09/902,828

Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, claims 1-30 are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this application is respectfully requested.

Respectfully submitted,



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Attachment:  
Amendment Transmittal

Date: April 29, 2003

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